

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Mary Andrus, et al.

Plaintiffs,

v.

Indevus Pharmaceuticals, Inc., et al.

Defendants.

CIVIL ACTION
NO. 04-10911 GAO

NOTICE OF FILING WITH CLERK'S OFFICE

Notice is hereby given that the documents, exhibits or attachments listed below have been manually filed with the Court and are available in paper form only:

Exhibits 1-43 to Wyeth's Memorandum in Opposition to All Plaintiffs' Motions to Remand, as indexed on the attached

The original documents are maintained in the case file in the Clerk's Office.

Dated: August 9, 2004

/s/ Janice W. Howe
William A. McCormack BBO #329580
Janice W. Howe BBO #242190
David Yamin BBO #562216
Bingham McCutchen LLP
150 Federal Street
Boston, MA 02110
(617) 951-8000
*Counsel for Defendants Wyeth and
Wyeth Pharmaceuticals, Inc.*

Andrus, et al. v. Indevus Pharmaceuticals, Inc., et al.
CA No. 04-10911-GAO
Wyeth's Memorandum in Opposition to All Plaintiffs' Motions to Remand
EXHIBITS

1. *See In re Fen-Phen Litigation*, No. 1:03-MD-1-RLV (N.D. Ga. Oct. 15, 2003)
2. Nationwide Diet Drug Settlement Agreement ("Settlement Agreement")
3. *Johnson, et al. v. Indevus Pharmaceuticals, Inc., et al.* 04-011427 GAO; *Malzahn, et al. v. Indevus Pharmaceuticals, Inc., et al.* 04-011428 GAO; *Willette, et al. v. Indevus Pharmaceuticals, Inc., et al.* 04-011429 GAO; Stipulations of Dismissal
4. Declaration of Sharon Taylor
5. USA Today Article
6. *Cooper v. Wyeth*, No. 03-20246, PTO 3665 (E.D. Pa. June 29, 2004)
7. *Chambliss v. Todd*, No. 03-20288, PTO 3533 (E.D. Pa. May 17, 2004)
8. *Berry v. Wyeth*, No. 03-20243, PTO 3531 (E.D. Pa. May 14, 2004)
9. *Chouteau v. Wyeth*, No. 03-20315, PTO 3517, at 4 (E.D. Pa. May 12, 2004)
10. *Brown v. Wyeth*, No. 03-20335, PTO 3501, at 5 (E.D. Pa. May 4, 2004)
11. *Broom v. Mogan*, No. 03-20587, PTO 3532, at 6 (E.D. Pa. May 14, 2004)
12. *Lawhon v. Wyeth*, No. 03-20226, PTO 3470, at 4 (E.D. Pa. April 2004)
13. *Allen v. Wyeth*, No. 03-203 10, PTO 3305, at 9 (E.D. Pa. Feb. 24, 2004)
14. *Collett v. Freid*, No. 03-526 (E.D. Ky. July 15, 2004)
15. *Moseley v. Wyeth*, No. CIV-02-1120-M (W.D. Okla. Sept. 13, 2002)
16. *Spence v. Wyeth, et al.*, No. W-03-CA-127 (W.D. Tex. July 16, 2003)
17. *Stittum v. Wyeth, et al.*, No. 4:03CV531CDP (E.D. Mo. July 16, 2003)
18. *Bejarano v. Wyeth, et al.*, No. L-03-53 (S.D. Tex. June 27, 2003)
19. *Hamilton v. Wyeth, et al.*, No. 2:03CV00043GH (E.D. Ark. June 17, 2003)
20. *Kershenstine v. Wyeth Co.*, No. 03-0237, slip 5 n.10 (W.D. La. May 6, 2003)

21. *Harting v. Wyeth, Inc.*, No. CIV-03-379-F (W.D. Okla. Apr. 22, 2003)
22. *McCurdy v. Wyeth*, No. A-03-CA-054-SS (W.D. Tex. Feb. 14, 2003)
23. *Bell v. Wyeth*, No. CV-20-BE-3136-S (N.D. Ala. Dec. 31, 2002)
24. *Haggard v. Wyeth*, No. CIV-02-446-S (E.D. Okla. Oct. 8, 2002)
25. *McKee v. Wyeth*, No. CIV-02-1119-C (W.D. Okla. Oct. 1, 2002)
26. A collection of studies published in medical journals demonstrating that any heart valve disease attributable to diet drugs, and is detectable, no later than the time a person ceases to use diet drugs.
27. *Accadia v. Wyeth*, No. 03-20546, PTO 3666 (E.D. Pa. June 29, 2004)
28. *Bishop v. Lowe*, No. 03-20601, PTO 3536 (E.D. Pa. May 18, 2004)
29. *Green v. Wyeth*, No. 03-2034, PTO 3534 (E.D. Pa. May 17, 2004)
30. *Ferrell v. Wyeth*, No. 03-20094, PTO 2996, at 7 n.5 (E.D. Pa. Sept. 5, 2003)
31. *Rainey v. Wyeth*, No. 03-20128, PTO 2886, at 7 n.4 (E.D. Pa. June 12, 2003)
32. *French v. Wyeth*, No. 03-20353, PTO 3281 (E.D. Pa. Feb. 18, 2004)
33. *Alexander v. Wyeth*, No. 03-20206, PTO 3230 (E.D. Pa. Jan. 29, 2004)
34. Class Counsel's Memorandum In Support of Final Settlement Approval
35. Declaration of Dean G. Karalis, M.D.
36. *Good v. Wyeth*, No. 03-20763, PTO 3769 (E.D. Pa. July 30, 2004)
37. *Dillon v. Sims*, No. 03-20385, Motion for Reconsideration
38. *Dillon v. Sims*, No. 03-20385, PTO 3590 (E.D. Pa. June 9, 2004)
39. Affidavits from other cases and MDL orders denying remand in those cases.
40. Official Court Notice Of Nationwide Diet Drug Class Action Settlement
41. Official Court Notice Brochure
42. *Weaver v. Am. Home. Prods.*, No. 03-20153 (PTO 2946) (E.D. Pa. July 30, 2003)
43. *Sawyer, et al. v. Indevus Pharmaceuticals, Inc., et al.* No. 03-05028 Defendants' Opposition to Plaintiffs' Motion for Summary Judgment

SERVICE LIST

Russell T. Abney
Watts Law Firm, LLP
The Mellie Esperson Building, 16th Floor
815 Walker Street
Houston, TX 77002
(713) 225-0500
(713) 225-0566 fax

T. Bryan Akin, III
Watts Law Firm, LLP
The Mellie Esperson Building, 16th Floor
815 Walker Street
Houston, TX 77002
(713) 225-0500
(713) 225-0566 fax

Edward J. Barshak (BBO No. 032040)
Michael S. Appel (BBO No. 543898)
Sugarman, Rogers, Barshak & Cohen, P.C.
101 Merrimac Street, 9th Floor
Boston, MA 02114
(617) 227-3030

Donald G. Beebe
William K. Grisham
Donald G. Beebe, P.C.
P.O. Drawer 85029
Mobile, AL 36685-0249

Robert J. Binstock (SBN 02328350)
Reich & Binstock, LLP
4265 San Felipe Street, Suite 1000
Houston, TX 77027
(713) 622-7271

Riley L. Burnett
Johnson, Burnett & Chang, L.L.P.
5005 Riverway, Suite 250
Houston, TX 77056

J. Robert Davis
Mignon Angelette Gill
Law Offices of J. Robert Davis, LLP
440 Louisiana, Suite 1930
Houston, TX 77002
(713) 425-5255

Michael P. Friedman (BBO No. 180200)
Brickley, Sears & Sorett, P.A.
75 Federal Street
Boston, MA 02110
(617) 542-0896

William R. Gray
John A. Purvis
Patrick T. Murphy
Purvis, Gray & Murphy, LLP
1050 Walnut Street, Suite 501
Boulder, CO 80302

Steven W. Harris
Harris Law Firm
4407 Parliament Drive
Alexandria, LA 71315-3701
(318) 487-1978

Michael R. Hugo (BBO #243890)
Lopez, Hodes, Restaino, Milman & Skikos
95 Commercial Wharf
Boston, MA 02110
(617) 973-9777
(617) 227-4006 (fax)

J. Christopher Ide
Miller & Associates
105 North Alfred Street
Alexandria, VA 22314

K. Stephen Jackson
Joseph L. Tucker
K. Stephen Jackson, P.C.
2229 First Avenue North
Birmingham, AL 35203
(205) 252-3535

Keith M. Jensen
Law Offices of Keith M. Jensen, P.C.
514 E. Belknap
Fort Worth, TX 76102
(817) 334-0762

Dana G. Kirk (SBN 11507500)
Kirk Law Firm
4265 San Felipe Street, Suite 1450
Houston, TX 77027
(713) 651-0050

Samuel W. Lanham, Jr.
Cuddy & Lanham, P.A.
470 Evergreen Woods
Bangor, ME 04401
(207) 942-2898

Michael A. Lee
Stuart V. Kusin
Susman Godfrey L.L.P.
1000 Louisiana, Suite 5100
Houston, TX 77002
(713) 651-9366

David P. Matthews (Texas Bar No. 13206200)
Julie L. Rhoades (Texas Bar No. 16811710)
Abraham, Watkins, Nichols,
Sorrels, Matthews & Friend
800 Commerce Street
Houston, TX 77002-1776

Greg McEwen
McEwen Law Firm Ltd.
5850 Blackshire Path
Inver Grove Heights, MN 55076

J. Michael Moore
Guerra & Moore, Ltd., LLP
440 Louisiana, Suite 1510
Houston, TX 77002
(713) 223-4311

Robert J. Morris
Morris & McAnnally, LLC
10365 Holtville Road
P.O. Box 220406
Deatsvill, AL 36022
(334) 569-1820

Dante G. Mummolo (BBO No. 360980)
Iannella and Mummolo
One Boston Place, Suite 3615
Boston, MA 02108
(617) 742-1388
(617) 742-1424 fax

Napoli Kaiser Bern & Associates, LLP
3500 Sunrise Highway
Suite T-207
Great River, NY 11739
(631) 224-1133

John R. Oldham
Faddis, Oldham & Smith, P.A.
2709 W. Fairbank Avenue, Suite 200
Winter Park, FL 32789

Neil D. Overholtz
Aylstock, Witkin & Sasser, P.L.C.
55 Baybridge Drive
P.O. Box 1147
Gulf Breeze, FL 32562-1147
(850) 916-7450

Ellen A. Presby (Texas State Bar #16249600)
Amy M. Carter (Texas State Bar #24004580)
Amy J. Shahan (Texas State Bar #00797564)
Jory D. Lange, Jr. (Texas State Bar #24041294)
Baron & Budd, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219
(214) 521-3605

Adam Pulaski
Pulaski & Middleman, L.L.C.
1177 West Loop South, Suite 400
Houston, TX 77027

David C. Strouss (BBO #546253)
Marilyn T. McGoldrick (BBO #561766)
Thornton & Naumes, LLP
100 Summer Street, 30th Floor
Boston, MA 02110
(617) 720-1333

W. Paul Wilkins
LeBlanc & Waddell
Essen Centre, Suite 420
Baton Rouge, LA 70809

Edward A. Williamson
Fenton B. Deweese, II
Tashia R. Shannon
The Edward A. Williamson Law Firm
509 Church Avenue
Philadelphia, MS 39350
(601) 656-5634

Counsel for Co-Defendants:

Matthew J. Matule, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP
One Beacon Street
Boston, MA 02108

Michael D. Birnbaum Esq.
Skadden, Arps, Slate,
Meagher & Flom LLP
Four Times Square
New York, NY 10036